

**MICHIGAN CIVIL SERVICE COMMISSION**  
**Public Meeting**  
**April 27, 2023**

**Present:** Jase Bolger, Chair  
Nick Ciaramitaro, Commissioner  
Jeff Steffel, Commissioner  
Gail M. Wilson, Commissioner  
John Gnodtke, State Personnel Director

**1. CALL TO ORDER**

The meeting of the Michigan Civil Service Commission (Commission) was opened by Acting Chair Bolger at 10:04 a.m.

**Approval of Minutes**

Acting Chair Bolger requested a motion to approve the minutes of the December 19, 2022 meeting. On motion duly made and supported, the minutes of the December 19, 2022 meeting were approved.

**2. AMENDMENTS TO AGENDA**

On motion duly made and supported, agenda items 4.B and 4.C were swapped.

**3. INFORMATIONAL REPORTS**

**State Personnel Director's Report**

The director reported on all unclassified position creations and abolitions since the last meeting. Details on the positions, departments, and titles are in the written report.

Since December 2022, notice was given in SPDOC 22-15 of amendments to regulations 1.01, 2.03, 2.04, 2.06, 2.07, 2.10, 3.04, 3.07, 3.09, 5.01, 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.17, 5.18, and 8.04. The amendments were effective January 1, 2023. Notice was also given in SPDOC 23-01 of proposed amendments to regulation 5.14, which were released in anticipation of potential rule changes that the commission could have adopted in February, but no action was taken to adopt these changes due to the cancellation of the February commission meeting.

**4. NEW BUSINESS**

**A. Election of Officers**

On motion duly made and supported, Jase Bolger was unanimously elected chair.

On motion duly made and supported, Nick Ciaramitaro was unanimously elected vice-chair.

Chair Bolger indicated that this commission has been appointed by two different governors with two different views. He stated that the commission will work together with open communications among commissioners to allow staff to carry out its work efficiently and effectively and not cause disruption for state employees by taking action that might later be reversed or overturned.

Commissioner Ciaramitaro reiterated that the commission would work together in the future and that they are already making progress with open dialogue.

**B. Interim SPD Actions**

General Counsel Kechkaylo introduced Commissioner Ciaramitaro's request to discuss the process for interim approvals under the commission's rules and bylaws. Commissioner Ciaramitaro explained that to minimize the potential to overturn interim actions, the commission should direct the state personnel director to give two business days' notice to the full commission prior to taking any interim action under rule 1.1-4 or bylaw 2.7. If any two commissioners provide written objections during the notice period of such interim action, the state personnel director shall not take the proposed interim action.

Director Gnodtke indicated that most interim approvals are LOUs from the Office of the State Employer.

Chair Bolger noted that this is consistent with prior comments and historical operations.

On motion duly made and supported, Item 4.B was unanimously approved.

**C. Tribute to Janet McClelland**

Chair Bolger expressed congratulations and thanks to Janet McClelland affirming that the commission misses her and wishes her well in retirement.

On motion duly made and supported, Item 4.C was unanimously approved.

**D. FY22 Aggregate Payroll Certification**

General Counsel Kechkaylo reported that the commission tentatively certified the aggregate payroll for the classified state service from October 1, 2021, through September 30, 2022. At that time the Annual Comprehensive Financial Report had not yet been finalized. The state's accounting records for fiscal year 2022 closed in March 2023, showing an aggregate payroll of \$6,019,568,112. This is an adjustment of less than \$21,000 from the amount tentatively certified in December 2022.

On motion duly made and supported, Resolution 4.D was unanimously approved.

**E. ERB Appointment**

General Counsel Kechkaylo stated that Rule 1-15 provides that members of the employment relations board serve for three-year terms. Item 4.E is the reappointment of board member Judge William Whitbeck to a new three-year term expiring May 1, 2026. Judge Whitbeck's current board term is set to expire May 1, 2023.

On motion duly made and supported, Resolution 4.E was unanimously approved.

**F. Amendments to Rule 5-7**

General Counsel Kechkaylo indicated that Item 4.F is proposed amendments to rule 5-7.3. The commission has long authorized funding for a NERE professional-development fund and approved professional-development funds and tuition-reimbursement benefits in union contracts. Union contracts also contain specific provisions in terms of eligibility, approvals, amounts, and limits for these programs. Additionally, almost 50 years ago, the commission

approved a general policy of permitting agencies to partially reimburse eligible employee tuition expenses. This approval has not, however, been included in rules.

The proposed amendments to rule 5-7.3 would expressly grant agencies the authority to implement an educational reimbursement program under procedures and limits set by regulation. The amendments would also acknowledge NEREs' longstanding ability to request reimbursements from the professional development fund. After circulation, staff noticed that the words "Expense Reimbursement" in the first line of subsection (f) were incorrectly capitalized.

On motion duly made and supported, Item 4.F was unanimously approved, with the referenced capitalization corrected and with immediate effect.

#### **G. Amendments to Rules 1-8, 3-1, and 9-1**

General Counsel Kechkaylo reported on proposed amendments to rules 1-8.1, 1-8.2, 3-1.4, and the rule's definition of discriminatory harassment. Late last year, the federal government enacted the Pregnant Workers Fairness Act, which beginning this June will require employers to provide accommodations for pregnant workers through an interactive process like that used under the Americans with Disabilities Act. It will also prohibit discrimination because of such accommodations. Proposed rule amendments would incorporate the act's protections into the rules. The proposed amendments, however, would not affect rights under the act, which are established in federal law. The proposed effective date of the changes is June 27, 2023, which coincides with the act's effective date.

On such motion duly made and supported, Item 4.G was unanimously approved.

#### **H. Amendments to Rule 5-6**

General Counsel Kechkaylo explained that Item 4.H is interim rule action taken by the state personnel director with the consent of the acting chair. In February, the director, with the consent of the acting chair, modified rule 5-6.16 on an interim basis to allow any agency to participate in a recruitment and retention pilot program. The pilot program allows any agency to pay an eligible employee hired to an Auditor or Financial Analyst position after March 4, 2023, and before 2024 a signing and retention bonus of up to \$2,500. One-half of any bonus is paid at hire and one-half is paid after completing the initial probationary period. As a condition of receiving payment, an employee must agree to repay any bonus if leaving the agency within one year. This program is like other pilot programs approved in December by the commission. This pilot program was originally requested by the state employer for certain agencies. The interim rule action allowed any interested agency to participate in the program while retaining discretion to participate based on need and budget.

On motion duly made and supported, Item 4.H was unanimously approved.

### **5. PUBLIC COMMENT**

There was no public comment.

Before adjournment, Chair Bolger asked the director to comment on a current trend across the country of alternatives where a college degree may not be required for a position and what is happening in Michigan on that front.

Director Gnodtke responded that the orders being released in other states are generally directing personnel agencies in those states to do the things that commission staff have for

decades to find alternate pathways to enter careers previously reserved to university graduates. Currently, job specifications for over half of state positions do not require a four-year degree, and for the 47% that do reference such a degree in postings, over half of those provide applicants without degrees specific experience-based paths to qualify. Every state job posting also has separate language highlighting that applicants can qualify based on an individualized review based on combinations of education and experience. For example, the civil service commission has 301 employees in professional positions, which are sometimes described as “requiring” a college degree, but 89 of our 301 employees in such positions entered these “degreed” ranks without a degree based on their work experience. These employees then promote up and become specialists and managers. Some reserved classifications, like engineers, architects, scientists, or psychiatrists may have some licensing or practical requirements and will still have degree requirements, but these are a minority of positions.

While staff have already taken steps to broaden opportunities, they continue to look for new avenues. Under the new strategic plan, a work group is examining all 650 or so job specifications, including review of education requirements to make sure that they continue to reflect actual needs. Changes for some classes are being reviewed now after feedback from departments to ensure inclusion of what is needed. Staff will also review how degree requirements are described in job postings to make it clearer when degrees are truly required. Other options are also being considered to expand on processes to streamline equivalencies for military service. Director Gnodtke indicated that he could continue to update the commission on future progress in strategic plan updates over the coming years.

Chair Bolger thanked Director Gnodtke and stated that the state like many employers is competing for a talented workforce. There are certainly positions where there is a need for licensing, credentialing, and education requirements, but many may not.

## **ADJOURNMENT**

There being no further items for Commission approval or public comments, Chair Bolger called for a motion to adjourn. On motion duly made and supported, the meeting was adjourned at 10:29 a.m.

*These minutes will become final upon approval by the Civil Service Commission.*